

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:21-CV-3-BO

THE ESTATE OF MARTHA MACKEY)
DEMONTPELLIER, by and through Andre)
P. DeMontpellier as Executor,)

Plaintiff,)

v.)

ORDER

JEREMY CARPENTER and)
CHICAMACOMICO BANKS FIRE)
DEPARTMENT, INC.,)


Defendants.)

This cause comes before the Court on defendants' motions *in limine* 1, 2, and 3. Plaintiff has failed to respond, and the time for doing so has expired. A jury trial in this matter is currently set to commence on Tuesday, April 11, 2023.

Defendants seek (1) to preclude evidence or argument regarding Carpenter's July 2020 altercation with a neighbor and 2015 charges for public intoxication and failure to produce identification; (2) to preclude questions and/or argument that children could have been using the beach accessway; and (3) to preclude questions and/or arguments regarding whether a course of conduct is "safer" or "the safest."

A ruling *in limine* is preliminary and maybe subject to change as the trial unfolds. *Luce v. United States*, 469 U.S. 38, 41 (1984). Moreover, "[c]ourts routinely defer ruling on motions in limine and evidentiary matters until they have enough information." *Finch v. Covil Corp.*, 388 F. Supp. 3d 593, 612 n.14 (M.D.N.C. 2019). In this instance, the Court will deny the motions *in limine* without prejudice to being re-raised, if necessary, at trial.

SO ORDERED, this 7 day of March 2023.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE